

December 1, 1997

DURHAM, NORTH CAROLINA  
MONDAY, DECEMBER 1, 1997  
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the organizational meeting to order:

CITY COUNCIL ORGANIZATIONAL MEETING  
MONDAY, DECEMBER 1, 1997  
7:30 P.M.

A. DURHAM COUNTY BOARD OF ELECTIONS MATTERS

1. 1997 Municipal Primary and Municipal City Elections

Jane Touhey-Ryan, Chairman of the Durham County Board of Elections, presented a certified copy of the abstract of votes from the Municipal Election to Mayor Kerckhoff.

2. Certification of November 4, 1997 Municipal Election

[Abstract of votes cast in the Municipal Election for Mayor and for City Council Wards 1; 3; and 5; and three At-Large Seats on Tuesday, November 4, 1997 in the City of Durham, County of Durham, State of North Carolina]

For Mayor:	Nicholas J. Tennyson.....	15,906
Ward 1	Brenda B. Burnette.....	14,478
Ward 3	Howard Clement, III.....	15,373
Ward 5	Erick W. Larson, II.....	20,454
At-Large	Mary D. Jacobs.....	16,132
	Floyd B. McKissick, Jr.....	16,046
	Pamela L. Blyth.....	13,074

MOTION by Council Member Miller seconded by Council Member Larson to receive the abstract of votes and to authorize payment for the 1997 Municipal Elections was approved at 7:49 p.m. by the

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following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**B. PRESENTATION OF SERVICE PLAQUES BY MAYOR SYLVIA KERCKHOFF**

Service plaques were presented by Mayor Kerckhoff to the following individuals: Council Members Isaac Robinson; Diane Wright and Frank Hyman.

**C. SWEARING IN AND QUALIFYING OF MAYOR BY CITY CLERK**

City Clerk Margaret M. Bowers administered the oath of office to Nicholas J. Tennyson as Mayor of the City of Durham.

**D. SWEARING IN AND QUALIFYING OF CITY COUNCIL MEMBERS BY CITY CLERK**

City Clerk Margaret M. Bowers administered the oath of office to the following Council Members: Howard Clement, III; Erick W. Larson, II; Floyd B. McKissick, Jr.; Pamela L. Blyth; Brenda B. Burnette; and Mary D. Jacobs.

**E. PRESENTATION OF SERVICE PLAQUE BY MAYOR NICHOLAS J. TENNYSON**

Mayor Tennyson presented a service plaque to out-going Mayor Sylvia S. Kerckhoff.

After the swearing in of the newly elected Mayor and Council Members, the following members were present at the meeting: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Clement, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

At this time, the newly elected Mayor and Council Members recognized their families and friends in attendance and thanked them for their support.

**E. DESIGNATION OF MAYOR PRO TEMPORE BY COUNCIL MEMBERS  
[RECOMMENDATION BY MAYOR TENNYSON]**

Mayor Tennyson read for the record the following recommendation: To designate Howard Clement, III as Mayor Pro Tempore.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the designation of Howard Clement, III as Mayor Pro Tempore was approved at 8:24 p.m. by the following vote: Ayes:

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Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**F. APPOINTMENT OF FINANCE AND PUBLIC WORKS COMMITTEE MEMBERS AND CHAIR PERSONS BY MAYOR TENNYSON**

Mayor Tennyson read for the record the following recommendations for the two standing committees:

**Finance Committee**

Erick Larson, II (Chair)  
Paul Miller (Vice Chair)  
Cynthia Brown  
Brenda Burnette  
Tyrone Cox  
Angela Langley  
Mayor Nick Tennyson

**Public Works Committee**

Floyd McKissick, Jr. (Chair)  
Virginia Engelhard (Vice Chair)  
Pamela Blyth  
Howard Clement, III  
Kimball Griffin  
Mary Jacobs  
Mayor Nick Tennyson

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Griffin to approve the appointment of Finance and Public Works Committee Members and Chair persons as outlined above was approved at 8:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[The Council recessed for ten minutes]

At this time, Mayor Tennyson called the December 1, 1997 City Council Meeting to order. The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. **[No items were pulled from the Consent Agenda]**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as printed was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[CONSENT AGENDA]**

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**SUBJECT: CONTRACT TO PURCHASE AND INSTALL BUS STOP SHELTERS ALONG DATA ROUTES - COLUMBIA EQUIPMENT COMPANY OF NEW YORK**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to award and execute all necessary contract documents in the amount of \$90,123.00 with Columbia Equipment Company of New York for the delivery and installation of twenty-one (21) bus stop shelters along DATA bus routes, and for the delivery of seven (7) additional shelters that will be used for future shelter replacement and/or expansion was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LAKE MICHIE BOAT DOCK CONTRACT - ROWBOAT DOCK AND DREDGE**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Rowboat Dock & Dredge in the amount of \$107,600.00 to replace the Lake Michie boat dock and make it accessible per the American Disabilities Act was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED SALE OF CITY TRACT NO. 1031 ODELL STREET TO ORANGE GROVE MISSIONARY BAPTIST CHURCH**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the offer of \$3,000.00 from Orange Grove Missionary Baptist Church to purchase City Tract No. 1031, Tax Map 366-04-16, without using a public bid procedure, and to authorize the City Manager to convey the property with a non-warranty deed was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: NT OPERATIONAL UPGRADE TO THE INFOLMAGE/MICROFILM DOCUMENT MANAGEMENT SYSTEM**

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**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Clerk/Director of Records Management to seek RFPs or bids on an NT Operational Upgrade to the Infolmage/Microfilm Document Management System which would be inclusive of an open architectural standard and must support the current host environments and connectivity and interface with the GIS System and include the use of multiple servers and distributed scanning ability over the local area network; and

To have the City Clerk/Director of Records Management bring to the Information and Technology Subcommittee of Council a report on the results of the RFPs or bid process was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SITE PLAN APPROVAL - CITY OF DURHAM MUNICIPAL SOLID WASTE TRANSFER STATION FACILITY**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a site plan for a City of Durham Municipal Solid Waste Transfer Station Facility, submitted by City of Durham Departments of Solid Waste Management and Water Resources, consisting of a 9,600 square-foot transfer station, proposed on an 86.98± acre site, zoned I-2 and F/J-B, located on the north side of Club Boulevard adjacent to the North Durham Water Reclamation Facility and existing municipal landfill, west of Glenn Road and east of Ellerbee Creek (Tax Map #618-1-1 and #681-1-3) was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REVISIONS TO ZONING ORDINANCE CONCERNING PERMANENT TRANSFER STATIONS**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt "A Resolution Designating the Permanent Transfer Station Amendment as a Council-initiated Zoning Amendment and Setting a Public Hearing Concerning Such Amendment"--**public hearing scheduled for Monday, December 15, 1997** was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**Resolution #8406**

**SUBJECT: PETITION ANNEXATIONS - AT&T CORPORATION, LOT #2, PAGE PARK APARTMENTS, TRIANGLE POINTE APARTMENTS, CRYSTAL LAKE TOWNHOMES AND ROYAL TROON TOWNHOMES**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on petition annexations for the following areas:

- a. AT&T Corporation, Lot #2
- b. Page Park Apartments
- c. Triangle Pointe Apartments
- d. Crystal Lake Townhomes
- e. Royal Troon Townhomes

To accept the City Clerk's certification of 100 percent ownership as required by N.C.G.S. 160A-31 and 160A-58; and

To adopt resolutions setting public hearings on Monday, December 15, 1997 to consider the petition annexations was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8407**  
**Resolution #8408**  
**Resolution #8409**  
**Resolution #8410**  
**Resolution #8411**

**SUBJECT: STATUS REPORT AND RECOMMENDATIONS FROM ADMINISTRATION ON CITIZEN'S REQUEST TO CLOSE APEX STREET BRIDGE**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration concerning a request to close the Apex Street bridge; and

To approve the Administration's recommendation to keep the bridge on Apex Street open at this time; and, that closure/removal of the bridge be reconsidered at such time as the bridge is scheduled for replacement was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs,

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Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: TRAFFIC AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION - CECIL STREET AND FAYETTEVILLE STREET TRAFFIC SIGNAL - PROJECT 4.6060151**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the City Manager to enter into a Traffic Agreement with the North Carolina Department of Transportation for the design, installation and maintenance of a traffic signal at the intersection of Cecil Street and Fayetteville Street at an estimated cost to the City of Durham of \$36,000 was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8412**

**SUBJECT: RESOLUTION AND ORDINANCE AMENDMENTS TO IMPLEMENT SECOND, WATER-ONLY SERVICES FOR SINGLE-FAMILY RESIDENTIAL OUTDOOR WATERING AND IRRIGATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Amending Resolution #7900 Establishing and Revising Fees for Various Products and Services Provided by the Engineering Department"; and

To adopt "An Ordinance Amending Durham City Code Section 23-40.1 Pertaining to Water and Sewer Capital Facility Fees" was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8413  
Ordinance #11307**

**SUBJECT: STOP SIGNS - AUDUBON PARK**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

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and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Revere Road at Piperwood Court, northwest corner
- 2) Piperwood Court at Solitude Way, southwest corner
- 3) Whisperwood Drive at Solitude Way, northwest and southeast corners
- 4) Solitude Way at Sedwick Road, southeast corner

**Ordinance #11308**

**SUBJECT: STOP SIGN - CULPEPPER COURT, COLE MILL TOWNES SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign at Culpepper Court (Private Street) at Rose of Sharon Road, southwest corner was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11309**

**SUBJECT: STOP SIGNS - ENO TRACE SUBDIVISION (PHASE VI)**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Round Spring Lane at Lazyriver Drive, northeast corner
- 2) Current Lane at Lazyriver Drive, northeast corner

**Ordinance #11310**

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - WOODLAND DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 25 mile per hour speed limit



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on Woodland Drive from West Knox Street to West Club Boulevard was approved at 8:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11311**

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: REPEAL OF FRANCHISE ORDINANCE FOR THE CITY OF DURHAM TO OPERATE A LANDFILL**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Jackie Brown, a resident of Northeast Durham, spoke in support of this item. Also, Ms. Brown asked the council to support dropping the appeal relative to Site 17A.

Mayor Tennyson asked if there were other citizens present wanting to speak. The public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments regarding the repeal of the "Franchise Ordinance for the City of Durham to Operate a Landfill"; and

To adopt "An Ordinance Repealing the Franchise Ordinance Allowing the City of Durham to Operate a Sanitary Landfill" was approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11312**

**[OTHER MATTERS]**

**SUBJECT: VIOLENCE PREVENTION PLAN - INTERLOCAL COOPERATION AGREEMENT AND YOUTH DEVELOPMENT ADVISORY BOARD**

To authorize the City Manager to execute an Interlocal Cooperation

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Agreement between the County and City of Durham.

To determine that the duration of the Agreement is reasonable.

To request the Mayor, in conjunction with the Chair of the Board of County Commissioners, to appoint the Youth Development Advisory Board members.

Dr. Marie Wind gave a presentation concerning juveniles charged with violations of the law proceeding through the judicial system. Also, Ms. Wind noted that juveniles have opportunities to continue violating the law because there is no program in place for redress and assistance.

Deputy County Manager Michael Palmer informed council of the changes to the Interlocal Agreement.

Ms. Marsha Morey suggested that the following service providers be given an opportunity to have input on the Youth Development Advisory Board: Department of Social Services; Department of Mental Health; Child Youth Family Services; Chief of Police, Superintendent of Schools; Chamber of Commerce; Durham Partnership for Children and CSAP. Also, Ms. Morey provided a copy of the Governor's Crime Commission Grant application.

Senior Assistant City Manager Cecil Brown stated that the duration of the agreement was three years.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member McKissick to refer this item to the administration to incorporate recommendations as suggested [item to be referred to the December 4, 1997 Finance Committee Meeting and action to be taken by Council at their December 15, 1997 City Council Meeting] was approved at 9:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Council Member Larson. Absent: None.

**SUBJECT: ESTABLISHMENT OF A ONE-GOVERNMENT COUNTY FOR DURHAM**

To direct the City Manager to meet with the County Manager to develop recommendations for a study of the merger of the City/County governments.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member McKissick to refer this matter to the February 1998 City Council

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retreat for discussion **FAILED** at 9:45 p.m. by the following vote:  
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Langley, McKissick, Blyth and Larson. Noes: Council Members Cox, Burnette, Jacobs, Miller, Griffin, Brown and Engelhard. Absent: None.

**MOTION** by Council Member Larson seconded by Council Member Langley to direct the City Manager to meet with the County Manager to develop recommendations for a study of the merger of City/County governments **FAILED** at 9:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette and Griffin. Noes: Council Members Langley, Cox, McKissick, Jacobs, Larson, Miller, Blyth, Brown and Engelhard. Absent: None.

**SUBJECT: LIGHT UP DURHAM 1997 - FIREWORKS DISPLAY AT THE DURHAM BULLS ATHLETIC PARK**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a request by Durham Bulls for permission to display fireworks on Monday, December 8, 1997 [rain date: Monday, December 15, 1997] at the Durham Bulls Athletic Park and from top of the Central Carolina Bank Building **FAILED** at 9:58 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Griffin, Larson and Miller. Noes: Mayor Pro Tempore Clement and Council Members Langley, Cox, Burnette, McKissick, Jacobs and Engelhard. Absent: None.

**MOTION** by Council Member McKissick seconded by Council Member Miller to approve a request by Durham Bulls for permission to display fireworks on Monday, December 8, 1997 [rain date: Monday, December 15, 1997] at the Durham Bulls Athletic Park and from top of the Central Carolina Bank Building **subject to the City Manager meeting with the sponsors of the event to assure free public access is available to the general public as it was last year and that the event be inclusive of all the winter multi-cultural events** was approved at 10:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Larson, McKissick and Miller. Noes: Council Members Langley, Burnette and Engelhard. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 10:05 p.m.

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D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk